



## COUNCIL MINUTES

July 1, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 1, 2009 at 5:47 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Assistant Pastor Jim Wood, Calvary Baptist Church.

Pledge of Allegiance was led by Councilmember Higgins.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith requested that items 2.1a and 2.1b be removed from the consent agenda.

Mayor Smith also commented that at an earlier Study Session, items 5 (Minor General Plan Amendment **GPMInor08-11**) and 6 (Minor General Plan Amendment **GPMInor09-03**) were continued to the July 8, 2009 Regular Council meeting. He apologized to any citizens who had

intended to address the Council this evening regarding those items, but would now be unable to do so at this time.

In response to a question from Mayor Smith, Planning Director John Wesley clarified that on Monday, July 6, 2009 at 1:00 p.m., at the Sunland Village East Auditorium, a public meeting would be held, at which time citizens can learn more about the proposed development (related to items 5 and 6) and provide their input and feedback.

Mayor Smith clarified that citizens would have an opportunity to solicit comments regarding the above-referenced development not only at the July 6<sup>th</sup> public meeting, but also at the July 8<sup>th</sup> Regular Council meeting.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that the consent agenda items, as amended, be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes from the June 22, 2009 Council meeting.

2.1. Take action on the following appointments:

2.1a. Appointing Jennifer Ruttman as the Interim City Auditor effective August 1, 2009.

Mayor Smith commented that he requested that items 2.1a and 2.1b be removed from the consent agenda so that City Manager Christopher Brady would have the opportunity to introduce the two individuals he is recommending be appointed as Interim City Auditor and Interim Police Chief.

Mr. Brady stated that due to the retirement of City Auditor Gary Ray, he is recommending that Senior Internal Auditor Jennifer Ruttman be appointed as Interim City Auditor effective August 1, 2009. He explained that Ms. Ruttman possesses the necessary certifications to carry out the duties of Interim City Auditor and has, in fact, performed many of the audits that have been presented to the Audit & Finance Committee for its review.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that the appointment of Jennifer Ruttman as Interim City Auditor, be approved.

Councilmember Somers, who serves as Chairman of the Audit & Finance Committee, stated that it has been a pleasure working with Ms. Ruttman when she presented her findings to the Committee regarding various audits she has performed. He also noted that through her audits, she has been able to make recommendations to City departments so that they can operate in a more efficient and effective manner.

Mayor Smith called for the vote.

Carried unanimously.

Mayor Smith congratulated Ms. Ruttman on her appointment.

2.1b. Appointing Vicki L. H. Myers as the Interim Police Chief effective July 24, 2009.

Mr. Brady commented that on July 23, 2009, Police Chief George Gascón will leave the City of Mesa to become the Chief of Police in San Francisco, California. He stated that he is recommending that Police Operations Commander Vicki Myers be appointed to serve as Interim Police Chief until such time as he brings back a subsequent recommendation for the position to be permanently filled.

Mr. Brady noted that Commander Myers came to the City of Mesa in 2007 and has worked hard to familiarize herself with the Mesa Police Department, including assignments at the Superstition Springs, Dobson Ranch and Central Patrol Divisions. He indicated that Commander Myers also has more than 17 years of police work experience in Michigan, including serving as Chief Deputy Sheriff. Mr. Brady expressed confidence that Commander Myers will bring "a great perspective" to the Department and added that he appreciates her willingness to "step forward in this important position during this interim transitional phase."

Councilmember Kavanaugh commented that over the past year, he has had the opportunity to work with Commander Myers in his role as Chairman of the Public Safety Committee and also with regard to the work she has performed at the Dobson Patrol District. He stated that as Commander of the Dobson Patrol District, Commander Myers spearheaded the efforts regarding the development of the new Dobson substation. Councilmember Kavanaugh said that he has come to admire and respect the work that Commander Myers has done and added that in his opinion, she will continue those efforts as Interim Police Chief.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the appointment of Vicki L. H. Myers as Interim Police Chief, be approved.

Carried unanimously.

Mayor Smith congratulated Interim Police Chief Myers on her appointment.

3. Conduct a public hearing prior to releasing the petition for signatures for the following proposed annexation:

- 3a. **A08-18 (District 6)** Annexing land located south of Broadway Road and west of Signal Butte Road (4.89 +/- ac). Initiated by Pat Gilbert, property owner for the proposed Freestone Rehabilitation Center.

Mayor Smith announced that this was the time and place for a public hearing regarding the proposed annexation of land located south of Broadway Road and west of Signal Butte Road.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

4. Discuss, take public comment and take action on the following Minor General Plan Amendment: (Deleted)

- \*4a. Public hearing on Minor General Plan Amendment **GPMInor09-05 (All Council Districts)**. Deleted.

- \*4b. Take action on the following resolution:

**GPMInor09-05** Adopting a text amendment to the Mesa 2025 General Plan to amend Section 9.0 with updated areas targeted for future parks and recreation facilities.  
**Deleted.**

5. Discuss, take public comment and take action on the following Minor General Plan Amendment:  
**(CONTINUED TO THE JULY 8, 2009 REGULAR COUNCIL MEETING.)**

- \*5a. Public hearing on Minor General Plan Amendment **GPMInor08-11 (District 6)**

- \*5b. Take action on the following resolution:

**GPMInor08-11 (District 6)** 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential (MUR) to High Density Residential 15+ du/acre (HDR 15+). Loren and Colette Jessen; JesscoDev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)**

P&Z Recommendation: Approval with conditions. (Vote: 4-0-1) (Boardmember Carter abstained. Boardmembers Salas and Roberts absent.)

6. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case: **(CONTINUED TO THE JULY 8, 2009 REGULAR COUNCIL MEETING.)**

- \*6a.1. **Deleted. (See Item 6.b.1).**

- \*6a. Public Hearing on Minor General Plan Amendment **GPMInor09-03 (District 6).**

- \*6b. Take action on the following resolutions:

**GPMInor09-03 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 and north of Baseline Road (54± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential to High Density Residential 15+ du/acre (20± acres) and Neighborhood Commercial (34± acres). David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.) COMPANION CASE Z08-47**

- 6b.1. Approving and authorizing the City Manager to execute the Development Agreement with GVSW – 202/60 LLC to establish quality of development and restrictions on uses for property to be developed as “Baseline Center” on the north side of Baseline Road just west of the 202 Freeway.

- 6c. Take action on the following ordinance introduced at a prior Council meeting:

**Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (54± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2 (34± acres) and R-4 (20± acres) and the establishment of the "Baseline Center" Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a development with a mixture of residential, office and retail uses. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.) COMPANION CASE GPMInor09-03. (CONTINUED TO THE JULY 8, 2009 REGULAR COUNCIL MEETING.)**

P&Z Recommendation: Approval with conditions. (Vote: 4-0-1) (Boardmember Carter abstained. Boardmembers Salas and Roberts absent.)

7. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

- 7a. Public Hearing on Minor General Plan Amendment **GPMInor09-04 (District 4)**

Vice Mayor Jones declared a potential conflict of interest and said he would refrain from discussion/consideration of items 7b and 7c.

Mayor Smith announced that this was the time and place for a public hearing regarding Minor General Plan Amendment **GPMInor09-04**.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

- 7b. Take action on the following resolution:

**GPMInor09-04 (District 4)** The 200 block of East 2<sup>nd</sup> Avenue (south side). Located north of Broadway Road and west of Mesa Drive (5± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Single Family Residential to Office/Business/Industrial – Resolution No. 9530. **(Met with neighbors, notified property owners, homeowners' associations and registered neighborhoods.) COMPANION CASE Z09-10.**

Mayor Smith advised that items 7b and 7c would be voted on with one motion.

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that Resolution No. 9530 and Ordinance No. 4937 (item 7c) be adopted.

Upon tabulation of votes, it showed:

AYES - Smith-Finter-Higgins-Kavanaugh-Richins-Somers  
NAYS - None  
ABSTAIN - Jones

Mayor Smith declared the motion carried unanimously by those voting and Resolution No. 9530 and Ordinance No. 4937 adopted

7c. Take action on the following ordinance introduced at a prior Council meeting:

**209-10 (District 4)** 254 South Pomeroy. Located north of Broadway Road and west of Mesa Drive (12.87± acres). Rezone from TCR-3 to TCB-2 and Site Plan Review. This case will allow the development of an office/industrial project. Erenberg Brothers Partnership, owners; Jeff McCall, McCall and Associates, applicant – Ordinance No. 4937. **(Met with neighbors, notified property owners, homeowners' associations and registered neighborhoods.) COMPANION CASE GPMInor09-04**

Downtown Development Committee: Approval with conditions. (Vote: 5-0) (Boardmembers Flick, Gallagher, Chucri, and Holtz absent.)

(See 7b for Council action on this item.)

8. Take action on the following contracts:

- \*8a. Purchase of a Professional Theatrical Lighting System for the Arts and Cultural Department, Mesa Arts Center (Fully Funded by the MAC Restoration Fee Fund). **(Citywide)**

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Sacramento Theatrical Lighting, Ltd., at \$58,204.04, including applicable use tax.

- \*8b. Term Contract for Reflective Sign Sheeting for the Transportation Department, Field Operations. **(Citywide)**

The Business Services Department recommends authorizing purchase from the cooperative contract with 3M Company at \$40,000.00, for the remaining contract period through May 31, 2010, based on estimated requirements.

- \*8c. Mahoney Neighborhood Water, Gas, and Sidewalk Improvements. **(District 2)**

City Project No. 01-337-001. This project will provide new sidewalk improvements, and replace water and gas lines in this neighborhood located south of Main Street and west of Gilbert Road. The project limits are on both the north and south sides of East Mahoney Avenue, East 1<sup>st</sup> Avenue, and East Dana Avenue from South Shouse to South Gilbert Road. Sidewalk ramps will be added at the curb returns and other locations where necessary. Approximately 10,000 square feet of sidewalk will be installed. The project will also install approximately 2,500 linear feet of 8-inch diameter water line. Water service lines and new water meters will be installed to serve approximately 40 residential lots.

This project will also install approximately 2,300 linear feet of 2-inch gas mains, and new gas services and meters to serve approximately 33 lots.

Recommend award to the low bidder, Visus Engineering Construction Inc., in the amount of \$380,000.00 plus an additional \$38,000.00 (10% allowance for change orders) for a

total award of \$418,000.00. Funding is available in the approved FY 09/10 Gas and Water Bond Programs and the CDBG (Community Development Block Grant) Capital Program.

\*8d. Fire Station No. 219. **(District 6)**

City Project No. 01-745-001. This project will construct a new Fire Station at 3361 South Signal Butte Road to help meet the demand call volume and maintain emergency response times. This is the Design Phase Services contract that staff has prepared and negotiated the associated fee for the design phase work to be performed by the Construction Manager at Risk (CMAR). A future Council action to award the construction contract will be brought back to Council for approval later this year.

Recommend award of the Design Phase Services contract to Adolfson and Peterson Construction (AP), in the amount of \$45,688.00. Funding is available in the adopted FY 09/10 Fire Bond Capital Program.

\*8e. Fire Station No. 215. **(District 6)**

City Project No. 01-920-001. This project will construct a new Fire Station at 6653 South Cargo Way to help meet the demand call volume and maintain emergency response times. This is the Construction Phase Services contract that staff has prepared and negotiated the associated fee for the construction phase work to be performed by the Construction Manager at Risk (CMAR), FCI Constructors, Inc.

Recommend award of the Construction Phase Services contract to FCI Constructors Inc., with a Guaranteed Maximum Price (GMP) of \$6,257,512.00 plus an additional \$625,751.20 (10% allowance for change orders) for a total award of \$6,883,263.20. Funding is available in the adopted FY 09/10 Fire Bond Capital Program.

\*8f. Water Line and Gas Line Replacement, Drew Street – University Drive to 7<sup>th</sup> Street. **(District 4)**

City Project No. 04-046-002. This project will replace existing mains with 4,150 linear feet of new 8-inch diameter ductile iron pipe (DIP). The new water line will provide reliable water service to City customers on Drew Street. This project will also replace all existing water meters (100), water services and fire hydrants to comply with City standards. The existing gas main in this area is 2-inch diameter steel pipe constructed in 1955. These lines have exceeded their design life and are recommended for replacement in a joint trench with the water main to take advantage of reduced trench and pavement replacement costs.

Recommend award to the low bidder, Visus Engineering Construction Inc., in the amount of \$568,000.00 plus an additional \$56,800.00 (10% allowance for change orders) for a total award of \$624,800.00. This project is funded from the approved FY 09/10 Water and Gas Bond Capital Programs.



9. Introduction of the following ordinances and setting July 8, 2009, as the date of the public hearing on these ordinances:

- \*9a. **Z09-13 (District 4)** 32 and 42 South Center Street. Located south of Main Street on the west side of Center Street (1.9± acres). Council Use Permit. This request will allow the expansion of an existing charter school. David French, owner; Wade Melchin, Heritage Academy, applicant. **(Notified property owners, homeowners' associations and registered neighborhoods.)**
- \*9b. Approving the First Amendment to the Nonexclusive, 2003 Cable Television Renewal License with COXCOM, Inc. and authorizing the City Manager to sign the Amendment.
- \*9c. Adopting and authorizing the City Manager to execute an agreement that incorporates all provisions contained in the existing Southwest Gas franchise until November 2, 2010.

10. Take action on the following resolution:

- \*10a. Authorizing the purchase of vacant land located north of West Baseline Road and west of South Country Club Drive – Resolution No. 9529. **(District 3)**

This land will be for a future Park and Ride location. The purchase price is \$3,080,460. (Funding by the American Recovery and Reinvestment Act.)

11. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*11a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4935:

Prohibiting Turns from Driveways: 10-3-15 (B)

On the west side of 48<sup>th</sup> Street from the driveway with centerline approximately 55 feet south of Main Street. **(District 5)**

- \*11b. **Z09-11 (District 3)** 610 West Jerome Avenue. Located west of Country Club Drive and north of Baseline Road (1.8± acres). Rezone from M-1 to M-1-BIZ and Site Plan Review. This case will allow the development of a children's hospital. Hacienda Healthcare, owner; John Szafran, DPA Architects, applicant – Ordinance No. 4936. **(Notified property owners, homeowners' associations and registered neighborhoods.)**

12. Items from citizens present.

There were no items from citizens present.



13. Adjournment.

Without objection, the meeting adjourned at 6:05 p.m.

---

SCOTT SMITH, MAYOR

ATTEST:

---

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 1<sup>st</sup> day of July 2009. I further certify that the meeting was duly called and held and that a quorum was present.

---

LINDA CROCKER, CITY CLERK

pag